

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WALTER L. HILL,

Plaintiff,

v.

WILLIAM CARAWAY, MICHAEL)
DURBIN, and MAJOR PITT,

Defendants.

Case No. 3:15-cv-1286-NJR-DGW

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court are the Motion to Compel filed by Plaintiff on March 25, 2016 (Doc. 24) and the Third Motion for Extension of Time filed by Defendants on March 31, 2016 (Doc. 25).

In his Motion, Plaintiff objects to the granting of extensions of time for Defendants to respond to the Complaint. Plaintiff believes that Defendants are not acting in good faith and are merely attempting to delay these matters. Plaintiff seeks a complete bar on further motions for extension of time. Plaintiff's Motion is **DENIED**.

Extensions of time are governed by Federal Rules of Civil Procedure 6(b) and 16(b)(4) (once a schedule has been entered). Rule 6 is a lenient standard, requiring only good cause if an extension is sought prior to a deadline; or, a more strict excusable neglect (in addition to good cause) if a deadline has elapsed. The granting or denying of such motions is within the discretion of the Court. *Spears v. City of Indianapolis*, 74 F.3d 153, 157 (7th Cir. 1996). While such discretion allows the Court to deny multiple requests for and extension of time that are not supported by good cause, *see id.*, such a stage has not been reached in this case.

This matter is at the initial stages and no discovery (or other deadline) has been set by the Court. It is not unusual for a defendant to request additional time to respond to a Complaint; nor is the Court unmindful of the heavy caseload carried by the Attorney General's office with respect to § 1983 litigation. It is within the Court's discretion to grant reasonable extensions of time and Defendants are not foreclosed from seeking such extensions.

Defendants' Motion is **GRANTED**. The Court finds no prejudice in granting Defendants a short period of time to answer (especially as Plaintiff is seeking to add two more Defendants which, if permitted, will mean the pleading stage will be extended). Defendants shall file their responsive pleading by April 14, 2016.

IT IS SO ORDERED.

DATED: April 5, 2016



DONALD G. WILKERSON
United States Magistrate Judge